

4/18/19

11:20 A.M.

Chapter No. 87  
19/HR31/A091SG  
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## ***HOUSE BILL NO. 1637***

Originated in House  Clerk

HOUSE BILL NO. 1637

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE OFFICE OF STATE PUBLIC DEFENDER OF THE STATE OF MISSISSIPPI FOR THE FISCAL YEAR 2020.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Office of State Public Defender of the State of Mississippi for the fiscal year beginning July 1, 2019, and ending June 30, 2020 ..... \$ 3,271,486.00.

**SECTION 2.** Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	25
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

Any transfers or escalations shall be made in accordance with the terms, conditions, and procedures established by law.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

**SECTION 3.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Capital Defense	
Percentage of trial cases opened less	
than one year	75.00
Percentage Change in Running Average of	
Reversals due to Ineffective Assistance	
of Counsel	0.10
Average of Reversals due to Ineffective	
Assistance of Counsel	8.20

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the

agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2021.

**SECTION 4.** It is the intention of the Legislature that the Office of State Public Defender shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2020 budget request process.

**SECTION 5.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 6.** It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally

or upon their official bonds, shall be held responsible for actions contrary to this provision.

**SECTION 7.** Of the funds provided in Section 1, Two Hundred Seventy-eight Thousand Five Hundred Dollars (\$278,500.00) shall be provided for the Indigent Parental Representation for the purpose of contracting with trained and certified attorneys to represent indigent parents or guardians in abuse, neglect or termination of parental rights proceedings as provided under Sections 43-21-201 and 99-18-13, Mississippi Code of 1972.


**SECTION 8.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 9.** This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 27, 2019

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 28, 2019

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

4/15/19

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